

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	
	§	
THE GATEWAY VENTURES, LLC,	§	CASE NO. 21-30071-HCM
	§	
REORGANIZED DEBTOR.	§	CHAPTER 11

**MOTION TO EXPEDITE HEARING DATE
ON SECOND EMERGENCY MOTION TO ENFORCE THE CHAPTER 11 PLAN,
AND AWARD OTHER MISCELLANEOUS RELIEF
(DOC ## 231, 245, 246 AND 278)
(\$100,000.00)**

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

COME NOW WESTAR INVESTORS GROUP, LLC, SUHAIL BAWA, and SALEEM MAKANI (cumulatively “WESTAR”), creditors and parties-in-interest in the above captioned proceedings, by and through the undersigned counsel, and pursuant to L. Rule 9014(d)(4), hereby respectfully make and file this “Motion to Expedite Hearing Date on Second Emergency Motion to Enforce The Chapter 11 Plan, And Award Other Miscellaneous Relief (DOC ##231, 245, 246 and 278) (\$100,000.00)” (“Motion”), and in support thereof would respectfully show the Court as follows:

A. PROCEDURAL BACKGROUND.

1. On October 5, 2021, this Court signed and filed a “Final Order Granting Emergency Motion of Debtor To Assume and Enforce Westar Subscription Agreement and Grant Related Relief (RE: Docket No. 219)” (“Final Order”). (DOC #231).
2. On October 15, 2021, this Court signed and filed an “Order (I) Approving First Amended Disclosure Statement In Support Of Plan Of Reorganization Of The Gateway Ventures LLC Dated September 1, 2021 And (II) Confirming First Amended Plan Of Reorganization As

Modified Of The Gateway Ventures LLC Dated October 14, 2021 (Re: Docket Nos. 155, 245)” (“Confirmation Order”) (DOC #246). The Confirmation Order required TGV to, *inter alia*, pay \$100,000.00 in one lump sum to WESTAR, within forty-five (45) days of the Effective Date of the Plan of Reorganization.

3. On October 15, 2021, the Court filed its “Notice of Order Confirming Plan, therein providing that the Effective Date of the Plan was October 18, 2021. (DOC #246-1).

4. Accordingly, as there was no appeal in this matter, the “Effective Date” of the Plan was October 29, 2021, which was within fourteen (14) days after entry of the Order Confirming Plan, pursuant to 28 U.S.C. §158(a)(1), and in accordance with Fed. R. Bankr. P. 8002(a)(1).

5. On November 30, 2021, as a meet and confer, WESTAR requested a second time that TGV inform WESTAR as to whether TGV will be paying WESTAR the lump sum payment of \$100,000 on or before December 2, 2021, which was within forty-five (45) days of the Effective Date of the Plan of Reorganization, as required in the Confirmation Order approving the First Amended Plan. (DOC #262-5).

6. TGV responded with numerous excuses, none of which provided a date certain as to when TGV intended to pay WESTAR the \$100,000.00 lump sum payment.

7. Accordingly, on December 22, 2021, WESTAR filed an “Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief” and a “Motion To Expedite Hearing Date On Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief”. (DOC #262 and DOC #263).

8. On January 13, 2022, the expedited hearing on the “Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief” was held.

9. On same date, January 13, 2022, an “Order Regarding Westar Investors Group, LLC, Suhail Bawa, and Saleem Makani’s Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief” was entered by this Court (“Order To Enforce The Plan”), which ordered, adjudged and decreed, in pertinent part, that (a) TGV pay the lump sum payment of \$100,000 to WESTAR by January 31, 2022, and (b) TGV shall make no payment of attorney’s fees until after January 31, 2022. (DOC #278).

10. On January 31, 2022, per Mr. Carruth’s request, the undersigned emailed to Mr. Carruth bank wiring instructions for payment of the \$100,000.

11. As of this date, TGV has still not provided WESTAR with the lump sum payment of \$100,000.

12. As of this date, TGV is past due in making payment of the \$100,000.00, by a period of:

- a. One hundred and fifteen (115) days from the October 29, 2021, “Effective Date” of the Plan; and,
- b. Twenty-one (21) days from the January 13, 2022, Order To Enforce The Plan.

13. TGV has made no effort whatsoever to contact the undersigned counsel, and is thus once again in violation of (a) the Plan, and (b) the Confirmation Order, as well as (c) the Order To Enforce The Plan.

14. On this date, WESTAR filed their Second Emergency Motion to Enforce The Chapter 11 Plan, And Award Other Miscellaneous Relief. Therefore, WESTAR hereby moves

the Court to expedite the hearing date on the Second Emergency Motion to Enforce the Plan, regarding the \$100,000 payment due WESTAR.

B. ARGUMENT AND AUTHORITIES.

10. Good cause exists under L. Rule 9014(e) for the granting of an expedited hearing, because TGV has demonstrated a complete disregard for its obligations to WESTAR, and TGV's ongoing failure and refusal to comply with the (a) Final Order, (b) the Plan, and (c) the Order To Enforce The Plan.

C. PRAYER.

WHEREFORE, ALL PREMISES CONSIDERED, AND FOR THE FOREGOING REASONS, WESTAR prays the Court grant this Motion to Expedite Hearing Date on WESTAR's Second Motion to Expedite Hearing Date on Emergency Motion to Enforce The Chapter 11 Plan, And Award Other Miscellaneous Relief (DOC ##231, 245, 246 and 278) (\$100,000.00).

Date: February 21, 2022

Respectfully submitted,

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By: **MICHAEL R. NEVAREZ**
State of Texas Bar No. 14933400

Attorney for WESTAR INVESTORS GROUP, LLC,
SUHAIL BAWA, and SALEEM MAKANI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO EXPEDITE HEARING DATE ON SECOND EMERGENCY MOTION TO ENFORCE THE CHAPTER 11 PLAN, AND AWARD OTHER MISCELLANEOUS RELIEF (DOC ##231, 245, 246 and 278) (\$100,000.00)** was served either by electronic means as listed on the Court's CM/ECF filing and noticing system, and/or by regular first-class mail, postage prepaid, to all creditors listed on the Debtors' creditor's matrix, and to the following parties in interest, on or before February 21, 2022:

ATTORNEYS FOR DEBTOR:

Jeff Carruth
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/s/ Michael R. Nevarez

MICHAEL R. NEVAREZ